

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:03CR290
)	
v.)	
)	
RASHAD MCKAY,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to vacate, correct or set aside sentence and conviction (Filing No. [388](#)). The motion was originally received on October 4, 2007, at which time the Court advised defendant it would not file the motion while the appeal from the Court's denial of his motion for new trial was pending in the United States Court of Appeals for the Eighth Circuit. The decision of the district court was subsequently affirmed (Filing No. [385](#)). However, as the motion was received by the Court on October 4, 2007, the Court deems it to be timely filed and now directs the United States Attorney to file a response. Accordingly,

IT IS ORDERED that plaintiff shall file a response to said motion on or before February 2, 2009.

DATED this 23rd day of December, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court